

## REMARKS/ARGUMENTS

In the Final Office Action of May 28, 2009, claims 1, 2, 4-9, 12, and 14 are rejected. Additionally, claims 11 and 13 are objected to. In response, Applicants propose amending claims 1, 4-7, 11, 12 and 14, canceling claim 2 and adding claims 15-23. Applicants respectfully request that the amendments be entered to put the claims in condition for allowance or to put the claims in better condition for appeal. Applicants hereby request reconsideration of the application in view of the proposed amendments and the below-provided remarks.

### Allowable Subject Matter

Applicants appreciate the Examiner's review of and determination that claims 11 and 13 recite allowable subject matter. In particular, the Final Office Action states that claims 11 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

At this time, Applicants choose not to rewrite claims 11 and 13. Instead, Applicants respectfully assert that the pending claims are allowable based on the claim amendments and the remarks below.

### Claim Rejections under 35 U.S.C. 103

Claims 1, 2, 4-9, 12 and 14 are rejected under 35 U.S.C. 103(a) as allegedly being anticipated by Petsko et al. (U.S. Pat. No. 6,018,650, hereinafter "Petsko") in view of McGirr et al. (U.S. Pat. No. 5,129,098, hereinafter "McGirr"). However, Applicants respectfully submit that the pending claims are patentable over Petsko in view of McGirr for the reasons provided below.

### Independent Claim 1

Applicants propose amending claim 1 to recite in part "*the real gain of said selective filter is given by a set of equations for different ranges of frequency channels, wherein each of the equations is used for a unique range of frequency channels.*"

Support for the amendment to claim 1 is found in Applicants' specification at, for example, original claim 2, page 6, lines 22-27 and page 7, lines 1-6. Additionally, Applicants propose amending claim 1 to remove the phrase "to produce successive measurements of the level of said output signal in said given frequency channel and calculating an average of said successive measurements of the level of said output signal in said given frequency channel."

In the Final Office Action, Mcgirr is cited for teaching the limitation "measuring means for measuring the level of said output signal in a given frequency channel to produce successive measurements of the level of said output signal in said given frequency channel and calculating an average of said successive measurements of the level of said output signal in said given frequency channel" of claim 1. (See page 3 of the Final Office Action). Petsko is cited for teaching the rest of the limitations of claim 1 as well as claim 2. (See pages 3 and 4 of the Final Office Action).

Applicants respectfully assert that Petsko in view of Mcgirr fail to teach all of the limitations of amended claim 1. In particular, Applicants respectfully assert that Petsko fails to teach that "*the real gain of said selective filter is given by a set of equations for different ranges of frequency channels, wherein each of the equations is used for a unique range of frequency channels,*" as recited in amended claim 1.

Petsko teaches that a processor (30) computes a gain differential  $G_{diff}$  between an actual output power level  $P_{out}$  and a predefined output power level referred to as the target power level  $P_{target}$  according to:  $G_{diff} = P_{out} - P_{target}$ . (See Fig. 3 and column 9, lines 25-37). However, Petsko fails to teach that the processor (30) computes any gain parameter using a set of equations for different ranges of frequency channels, where each of the equations is used for a unique range of frequency channels. Thus, Petsko fails to teach that "*the real gain of said selective filter is given by a set of equations for different ranges of frequency channels, wherein each of the equations is used for a unique range of frequency channels,*" as recited in amended claim 1.

As a result, Applicants respectfully assert that Petsko in view of Mcgirr fail to teach all of the limitations of amended claim 1. Thus, Applicants respectfully assert that amended claim 1 is patentable over Petsko in view of Mcgirr.

#### Dependent Claims 4-6, 8, 11 and 12

Applicants propose amending claims 4-6 and 11 to reflect the correct claim dependency and to correct informalities. Additionally, Applicants propose amending claim 12 to remove the phrase “further configured to produce said successive measurements of the level of said output signal in said given frequency channel in decibels” and to include the phrase “configured to produce successive measurements of the level of said output signal in said given frequency channel and to calculate an average of said successive measurements of the level of said output signal in said given frequency channel.” Support for the amendments to claim 12 is found in Applicants’ specification at, for example, original claim 1 and page 7, lines 27-32.

Claims 4-6, 8, 11 and 12 depend from and incorporate all of the limitations of independent claim 1. Thus, Applicants respectfully assert that claims 4-6, 8, 11 and 12 are allowable at least based on an allowable claim 1.

#### Independent Claim 7

Applicants propose amending claim 7 in a similar fashion to claim 1. Support for the amendment to claim 7 is found in Applicants’ specification at, for example, original claim 2, page 6, lines 22-27 and page 7, lines 1-6. Because of the similarities between claim 1 and claim 7, Applicants respectfully assert that the remarks provided above with regard to amended claim 1 apply also to amended claim 7. Accordingly, Applicants respectfully assert that amended claim 7 is patentable over Petsko in view of McGirr.

#### Dependent Claim 9, 13 and 14

Applicants propose amending claim 14 in a similar fashion to claim 12. Support for the amendments to claim 14 is found in Applicants’ specification at, for example, original claim 1 and page 7, lines 27-32.

Claim 9, 13 and 14 depend from and incorporate all of the limitations of independent claim 7. Thus, Applicants respectfully assert that claim 9, 13 and 14 are allowable at least based on an allowable claim 7.

### New claims 15-23

Applicants propose adding new claims 15-23. Support for claims 15-22 is found in Applicants' specification at, for example, original claims 1, 2 and 7, page 6, lines 22-27 and page 7, lines 1-6. Support for claim 23 is found in Applicants' specification at, for example, original claim 1 and page 5, lines 7 and 8. Claims 15-19 depend from and incorporate all of the limitations of independent claim 1. Thus, Applicants respectfully assert that claims 15-19 are allowable at least based on an allowable claim 1. Claims 20-23 depend from and incorporate all of the limitations of independent claim 7. Thus, Applicants respectfully assert that claims 20-23 are allowable at least based on an allowable claim 7. Additionally, Applicants respectfully assert that Petsko in view of Mcgirr fail to teach the individual limitations of claims 15-23, respectively.

## CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the claim amendments and remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

Seneschal et al.

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By: /thomas h. ham/  
Thomas H. Ham  
Reg. No. 43,654

Wilson & Ham  
PMB: 348  
2530 Berryessa Road  
San Jose, CA 95132  
Phone: (925) 249-1300  
Fax: (925) 249-0111